



Norman H. Bangerter

Governor

Dee C. Hansen

Executive Director

Robert L. Morgan

State Engineer

# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

1636 West North Temple, Suite 220

Salt Lake City, Utah 84116-3156

801-538-7240

March 6, 1992

Mr. Darrel Eyre  
Lyman Grazing Association  
Lyman, WY 82937

Dear Mr. Eyre:

Re: Beaver Creek Dist. Sys.  
Headgates & Measuring Devices

We are in the process of working with the water users on all the forks of Beaver Creek to install or repair the headgates and measuring devices which they use to regulate the use of water.

On a recent inspection trip, the diversions on your land were reviewed. It was noted that water was backed up and spread out by several beaver dams and water was also diverted from the creek by several makeshift plastic diversion dams. This does not conform with the distribution policy in the area or with Utah State law.

Section 73-5-4 of the Utah Code Annotated, 1953, as amended, states in part:

"Every person using water in this state shall construct or install and maintain an operational headgate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out for the purpose of regulating and measuring the quantity of water that may be used. ... If the owner of irrigation works, canals, rivers, wells, pumps, or tunnels shall refuse or neglect to construct or install such headgates, caps, valves, flumes or measuring devices after thirty (30) days notice to do so by the state engineer, the state engineer may forbid the use of water until the user shall comply with his requirement."

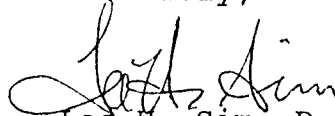
If you desire to have water distributed to you in a regulated fashion according to the water rights you have on the West Fork of Beaver Creek, it will be necessary for you to establish specific points of diversion, each with a headgate and a measuring device. If these points of diversion are different than those described on your existing water right, a change application for a change in point of diversion must be submitted to the State Engineer. This can be accomplished through our regional office in Vernal. If you desire to rely upon the natural irrigation of your land which occurs when the beaver dams back up and spread out the water then there should be no man made structures of any type in the stream on your property and water will not be diverted to you in a regulated manner according to your water right.

Lyman Grazing Association  
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You should indicate to Bob Leake, our Regional Engineer in Vernal, which course you intend to pursue. If you intend to install headgates and measuring devices they must be in place before May 15th and I would advise that any necessary change applications be filed as soon as possible. We will be making a tour and inspection of the West Fork of Beaver Creek this summer and will review the situation on your land again at that time.

If you have any questions concerning this letter, please contact Bob Leake at 781-0770 or myself at 538-7380.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee H. Sim".

Lee H. Sim, P. E.  
Directing Engineer for  
Adjudication/Distribution

LHS:bd

cc: Bob Leake, Regional Engineer